

**FILED**

**JAN 27 2014**

Clerk, U.S. District Court  
District Of Montana  
Helena

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA**

**BILLINGS DIVISION**

HOMER L. GIARD and MARY  
GIARD,

Plaintiffs,

vs.

BURLINGTON NORTHERN SANTA  
FE RAILWAY COMPANY,

Defendant.

CV 12-113-BLG-SEH

**ORDER**

On January 6, 2014, United States Magistrate Judge Carolyn S. Ostby entered her Findings and Recommendations<sup>1</sup> in this matter. Plaintiffs filed objections on January 21, 2014.<sup>2</sup> Defendant also filed a limited objection on

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<sup>1</sup> Doc. 45.

<sup>2</sup> Doc. 46.

January 21, 2014.<sup>3</sup> The Court reviews *de novo* findings and recommendations to which objections are made. 28 U.S.C. § 636(b)(1).

Upon *de novo* review of the record, I find no error in Judge Ostby's Findings and Recommendations and adopt them in full.

ORDERED:

1. Defendant's Motion for Summary Judgment (Doc. 30) is GRANTED.
2. Plaintiff Homer Giard's claim against Defendant Burlington Northern Santa Fe Railway Company (BNSF) is DISMISSED.
3. Plaintiff Mary Giard's loss of consortium claim against BNSF is DISMISSED.
4. The Clerk of Court is directed to enter judgment accordingly.

DATED this 27<sup>th</sup> day of January, 2014.

  
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SAM E. HADDON  
United States District Judge

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<sup>3</sup> Doc. 47.